

INTRODUCED BY MR. BENTON,

January 11, 1921.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

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*An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the state board of chiropractic examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith.*

*The people of the State of California do enact as follows:*

1 SECTION 1. A board is hereby created to be known as the  
2 "state board of chiropractic examiners," hereinafter referred  
3 to as the board, which shall consist of five members appointed  
4 by the governor. Each member must have pursued a resident  
5 course in a regularly incorporated chiropractic school or col-  
6 lege, and must be a graduate thereof and hold a diploma  
7 therefrom.

8 Each member must have practiced chiropractic in the State  
9 of California for a period of three years next preceding the  
10 date upon which this act takes effect. No two persons shall  
11 serve simultaneously as members of said board, whose first  
12 diplomas were issued by the same school or college of chiro-  
13 practic, nor shall more than two members be residents of any  
14 one county of the state. And no person connected with any  
15 chiropractic school or college is eligible to appointment as a  
16 member of the board. Each member of the board, except the  
17 secretary, shall receive a per diem of ten dollars for each day  
18 during which he is actually engaged in the discharge of his  
19 duties, together with his actual and necessary traveling  
20 expenses incurred in connection with the performance of the  
21 duties of his office, such per diem, traveling expenses and other  
22 incidental expenses of the board or of its members, to be paid  
23 out of the funds of the board hereinafter defined and not  
24 otherwise.

25 SEC. 2. Within sixty days of the date upon which this act  
26 takes effect, the governor shall appoint the members of the

1 board. Of the members first appointed one shall be appointed  
2 for a term of one year, two for two years and two for three  
3 years. Thereafter, each appointment shall be for the term of  
4 three years, except that an appointment to fill a vacancy shall  
5 be for the unexpired term only. Each member shall serve  
6 until his successor has been appointed and qualified. The gov-  
7 ernor may remove a member from the board after receiving  
8 sufficient proof of the inability or misconduct of said member.

9 SEC. 3. The board shall convene within thirty days after  
10 the appointment of its members, and shall organize by the  
11 election of a president, vice president and secretary, all to be  
12 chosen from the members of the board. Thereafter elections of  
13 officers shall occur annually at the January meeting of the  
14 board. A majority of the board shall constitute a quorum.

15 It shall require the affirmative vote of three members of  
16 said board to carry any motion or resolution, to adopt any  
17 rule, or to authorize the issuance of any license provided for  
18 in this act. The secretary shall receive a salary to be fixed by  
19 the board in an amount not exceeding one thousand dollars per  
20 annum, but not per diem, together with his actual and neces-  
21 sary traveling expenses incurred in connection with the per-  
22 formance of the duties of his office, and shall give bond to the  
23 state in such sum with such sureties as the board may deem  
24 proper. He shall keep a record of the proceedings of the board,  
25 which shall at all times during business hours be open to the  
26 public for inspection. He shall keep a true and accurate  
27 account of all funds received and of all expenditures incurred  
28 or authorized by the board, and on the first day of December  
29 of each year he shall file with the governor a report of all  
30 receipts and disbursements and of the proceedings of the board  
31 for the preceding fiscal year.

32 SEC. 4. The board shall have power:

33 (a) To adopt a seal, which shall be affixed to all licenses  
34 issued by the board.

35 (b) To adopt from time to time such rules and regulations  
36 as the board may deem proper and necessary for the perform-  
37 ance of its work, copies of such rules and regulations to be  
38 filed with the secretary of state for public inspection.

39 (c) To examine applicants and to issue and revoke licenses  
40 to practice chiropractic, as herein provided.

41 (d) To summon witnesses and to take testimony as to matters  
42 pertaining to its duties; and each member shall have power to  
43 administer oaths and take affidavits.

44 (e) To do any and all things necessary or incidental to the  
45 exercise of the powers and duties herein granted or imposed.

46 SEC. 5. It shall be unlawful for any person to practice  
47 chiropractic without a license so to do. Any person wishing  
48 to practice chiropractic shall make application to the board  
49 fifteen days prior to any meeting thereof, upon such form and  
50 in such manner as may be provided by the board. Each  
51 application must be accompanied by a license fee of twenty-

5 five dollars and a certificate showing good moral character  
6 for the applicant. Except in the cases herein otherwise  
7 prescribed, each applicant shall be a graduate of an incorporated  
8 chiropractic school or college which teaches a course of not  
9 less than two thousand four hundred hours, extended over a  
10 period of three school terms of at least six months each, and  
11 must give satisfactory proof of having attended not less than  
12 ninety per cent of said two thousand four hundred hours, and  
13 shall present to the board at the time of making such applica-  
14 tion, a diploma from a high school, or proof, satisfactory  
15 to the board of education equivalent in training power to a  
16 high school course.

17 The schedule of minimum educational requirements to  
18 enable any person to practice chiropractic in this state is as  
19 follows, to wit, except as herein otherwise provided:

Anatomy	600 hours
Histology	100 hours
Elementary chemistry and toxicology	100 hours
Physiology	200 hours
Bacteriology	100 hours
Hygiene and sanitation	100 hours
Pathology	200 hours
Diagnosis or analysis	400 hours
Chiropractic theory and practice	600 hours
Total	2400 hours

27 SEC. 6. (a) The board shall meet as a board of examiners  
28 on the first Tuesday following the second Monday of January  
29 and July of each year, and at such other times and places as  
30 may be found necessary for the performance of their duties.  
31 The office of the board shall be in the city of Sacramento.  
32 Sub-offices may be established in Los Angeles and San Fran-  
33 cisco, and such records as may be necessary may be trans-  
34 ferred temporarily to such sub-offices. Legal proceedings  
35 against the board may be instituted in any one of said three  
36 cities.

37 (b) Each applicant shall be designated by a number instead  
38 of the name so that the identity will not be disclosed to the  
39 examiners until the papers are graded.

40 (c) All examinations shall be in writing, except in cases  
41 herein otherwise prescribed, and shall be practical in char-  
42 acter, according to the teachings of chiropractic, and designed  
43 to ascertain the fitness of the applicant to practice chiro-  
44 practic. Said examinations shall be in each of the subjects  
45 as set forth in section five hereof. A license shall be granted  
46 to any applicant who shall make a general average of seventy  
47 five per cent, and not fall below sixty per cent in more than  
48 two subjects or branches of said examination. Any applicant  
49 failing to make the required grade, shall be given credit for  
50 the branches passed, and may without further cost take the  
51 examination at the next regular examination on the subjects  
52 in which he failed. For each year of actual practice since

1 graduation the applicant shall be given a credit of one per  
2 cent on the general average.

3 SEC. 7. One form of certificate shall be issued by the  
4 board of chiropractic examiners which said certificate shall  
5 be designated "License to practice chiropractic," and shall  
6 authorize the holder thereof to practice chiropractic in the  
7 State of California.

8 SEC. 8. Any person who shall have practiced chiropractic  
9 for four years after graduation from a chiropractic school or  
10 college, one year of which shall have been in this state preceding  
11 the date upon which this act takes effect, or any person  
12 who graduated from a chiropractic school or college prior to  
13 January 1, 1921, and who shall present to the board satisfactory  
14 proof of good moral character and having pursued a  
15 resident course of not less than one thousand hours in a  
16 legally incorporated chiropractic school or college shall be  
17 given an oral, practical and clinical examination, and if he,  
18 or she, make a grade of seventy-five per cent in such examination,  
19 the board shall grant a license to said applicant to  
20 practice chiropractic in this state under the provisions of this  
21 act; *provided, however,* that application for said license is  
22 made within six months of the date upon which this act takes  
23 effect and that each applicant shall pay to the secretary of the  
24 board the sum of twenty-five dollars.

25 SEC. 9. Notwithstanding any provision contained in any  
26 other section of this act the board, upon receipt of the fee of  
27 twenty-five dollars, shall issue a license to any of the following  
28 named persons:

29 (a) To each member of the board.  
30 (b) To any person licensed to practice chiropractic under  
31 the laws of another state, having the same requirements as  
32 prescribed in this act; *and provided, further,* that such other  
33 state in like manner grants reciprocal registration to chiropractic  
34 practitioners of this state.

35 SEC. 10. (a) The board shall refuse to grant, or may  
36 revoke, a license to practice chiropractic in this state or may  
37 cause a licensee's name to be removed from all records of  
38 licensed practitioners of chiropractic in this state, upon any of  
39 the following grounds, to wit:

40 The employment of fraud or deception in applying for a  
41 license or in passing an examination as provided in this act;  
42 the practice of chiropractic under a false or assumed name;  
43 or the personation of another practitioner of like or different  
44 name; the conviction of a crime involving moral turpi-  
45 tude; habitual intemperance in the use of ardent spirits,  
46 narcotics or stimulants to such an extent as to incapac-  
47 itate him for the performance of his professional duties;  
48 the advertising of any means whereby the monthly periods  
49 of women can be regulated or the menses re-established  
50 if suppressed; or the advertising, directly, indirectly or  
51 in substance, upon any card, sign, newspaper advertise-  
52 ment, or other written or printed sign or advertisement,

1 that the holder of such license or any other persons company  
2 or association by which he or she is employed, or in whose  
3 service he or she is, will treat, cure, or attempt to treat or cure  
4 any venereal disease, or will treat or cure, or attempt to treat  
5 or cure, any person afflicted with any sexual disease, for lo-  
6 manhood, sexual weakness or sexual disorder or any disease  
7 of the sexual organs; or being employed by or being in the  
8 service of any person, company or association so advertising.  
9 Any person who is a licentiate, or who is an applicant for  
10 license to practice chiropractic against whom any of the foregoing  
11 grounds for revoking or refusing a license is presented  
12 to the board with a view of having the board revoke or refuse  
13 to grant a license, shall be furnished with a copy of the com-  
14 plaint, and shall have a hearing before the board in person  
15 or by an attorney, and witnesses may be examined by the board  
16 respecting the guilt or innocence of the accused. The secretary  
17 in all cases of revocation shall enter on his register the fact  
18 of such revocation, and shall certify the fact of such revoca-  
19 tion under the seal of the board to the county clerk of the  
20 counties in which the certificates of the person whose certificate  
21 has been revoked is recorded; and said clerk must thereupon  
22 write upon the margin or across the face of his register of the  
23 certificate of such person, the following: "This certificate was  
24 revoked on the \_\_\_\_\_ day of \_\_\_\_\_ giving the  
25 day, month and year of such revocation in accordance with  
26 said certification to him by said secretary. The record of such  
27 revocation so made by said county clerk shall be prima facie  
28 evidence of the fact thereof, and of the regularity of all pro-  
29 ceedings of said board in the matter of said revocation."

30 (b) At any time after two years following the revocation  
31 or cancellation of a license or registration under this section  
32 the board may, by a majority vote, reissue said license to the  
33 person affected, restoring him to, or conferring on him all the  
34 rights and privileges granted by his original license or certifi-  
35 cate. Any person to whom such rights have been restored  
36 shall pay to the secretary the sum of twenty-five dollars upon  
37 the issuance of a new license.

38 SEC. 11. (a) Every person who shall receive a license from  
39 the board shall have it recorded in the office of the county  
40 clerk of the county in which he resides and shall have it like-  
41 wise recorded in the counties into which he shall subsequently  
42 move for the purpose of practicing chiropractic.

43 (b) The failure or the refusal on the part of the holder of  
44 a license to have it recorded before he shall begin to practice  
45 chiropractic in this state, after having been notified by the  
46 board to do so, shall be sufficient ground to revoke or cancel  
47 a license and to render it null and void.

48 (c) The county clerk of each county in this state shall keep  
49 for public inspection, in a book provided for that purpose,  
50 a complete list and description of the licenses recorded by him.  
51 When any such license shall be presented to him for record  
52 he shall stamp upon the face thereof his signed name.

1 random of the date when such license was presented for  
2 record.

3 SEC. 12. Each person practicing chiropractic within this  
4 state shall, on or before the first day of January of each year,  
5 after a license is issued to him as herein provided pay to said  
6 board of chiropractic examiners a renewal fee of two dollars.  
7 The secretary shall, on or before November first of each year,  
8 mail to all licensed chiropractors in this state a notice that the  
9 renewal fee will be due on or before the first day of January  
10 next following. Nothing in this act shall be construed to re-  
11 quire the receipts to be recorded in like manner as original  
12 licenses. The failure, neglect or refusal of any person holding  
13 a license or certificate to practice under this act in the State  
14 of California, to pay said annual fee of two dollars during the  
15 time his or her license remains in force, shall, after a period of  
16 sixty days from the first day of January of each year, *ipso*  
17 *facto*, work a forfeiture of his or her license or certificate, and  
18 it shall not be restored except upon the written application  
19 therefor, and the payment to the said board of a fee of ten  
20 dollars, except that such licensee who fails, refuses or neglects  
21 to pay such annual tax within a period of sixty days after the  
22 first day of January of each year shall not be required to sub-  
23 mit to an examination for the reissuance of such certificate.

24 SEC. 13. Chiropractic licentiates shall observe and be sub-  
25 ject to all state and municipal regulations relating to all  
26 matters pertaining to the public health and shall make reports  
27 as required by law to the proper authorities and such reports  
28 shall be accepted by the officers of the departments to which  
29 the same are made.

30 SEC. 14. All money received by the board under this act  
31 shall be paid to the secretary of said board, who shall give a  
32 receipt for the same and shall at the end of each month report  
33 to the state controller the total amount of money received by  
34 him on behalf of said board from all sources, and shall at the  
35 same time deposit with the state treasurer the entire amount  
36 of such receipts, and the state treasurer shall place the money  
37 so received in a special fund, to be known as the "state board  
38 of chiropractic examiners' fund", which fund is hereby  
39 created. Such fund shall be expended in accordance with law  
40 for all necessary and proper expenses in carrying out the  
41 provisions of this act, upon proper claims approved by said  
42 board or a finance committee thereof.

43 SEC. 15. Any person who shall practice or attempt to  
44 practice chiropractic, or any person who shall buy, sell or  
45 fraudulently obtain a license to practice chiropractic, whether  
46 recorded or not, or who shall use the title "chiropractor" or  
47 "D. C." or any word or title to induce, or tending to induce  
48 belief that he is engaged in the practice of chiropractic without  
49 first complying with the provisions of this act; or any licensee  
50 under this act who uses the word "doctor" or the prefix  
51 "Dr." without the word "chiropractor," or "D. C." immedi-  
52 ately following his name, or the use of the letters "M. D." or

1 the words "doctor of medicine," or the term "surgeon," or  
2 the term "physician," or the word "osteopath," or the letters  
3 "D. O." or any other letters, prefixes or suffixes the use of  
4 which would indicate that he or she was practicing a profession  
5 for which he held no license from the State of California,  
6 any person who shall violate any of the provisions of this act  
7 shall be guilty of a misdemeanor and upon conviction thereof  
8 shall be punished by a fine of not less than fifty dollars and  
9 not more than two hundred dollars, or by imprisonment in the  
10 county jail for not less than thirty days nor more than ninety  
11 days or both.

12 SEC. 16. Nothing in this act shall be construed to prohibit  
13 service in case of emergency, or the domestic administration  
14 of chiropractic, nor shall this act apply to any chiropractor  
15 from any other state or territory who is actually consulting  
16 with a licensed chiropractor in this state; *provided*, that such  
17 consulting chiropractor shall not open an office or appoint a  
18 place to receive patients within the limits of this state; *no*  
19 shall this act be construed so as to discriminate against any  
20 particular school of chiropractic, or any other treatment, nor  
21 to regulate, prohibit or apply to, any kind of treatment by  
22 prayer; nor to interfere in any way with the practice of  
23 religion. Nor shall this act apply to persons who are licensed  
24 under other acts.

25 SEC. 17. It shall be the duty of the several district  
26 attorneys of this state to prosecute all persons charged with  
27 the violation of any of the provisions of this act. It shall be  
28 the duty of secretary of the board, under the direction of the  
29 board, to aid attorneys in the enforcement of this act.

30 SEC. 18. Nothing herein shall be construed as repealing  
31 the "medical practice act" of June 2, 1913, as amended  
32 April 24, 1915, and April 11, 1917, except in so far as that  
33 act may conflict with the provisions of this act as applied to  
34 persons licensed under this act, to which extent any and all  
35 acts or parts of acts in conflict herewith are hereby repealed.

36 SEC. 19. If any section, subsection, sentence, clause or  
37 phrase of this act is for any reason held to be unconstitutional  
38 such decision shall not affect the validity of the remaining  
39 portion of this act. The legislature hereby declares that it  
40 would have passed this act, and each section, subsection  
41 sentence, clause and phrase thereof, irrespective of the fact  
42 that any one or more other sections, subsections, sentences  
43 clauses or phrases be declared unconstitutional.